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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RABINDRANATH DUTTA

Appeal 2009-007874
Application 09/543,310
Technology Center 2400

Before JOSEPH F. RUGGIERO, MAHSHID D. SAADAT,
and ROBERT E. NAPPI, *Administrative Patent Judges*.

SAADAT, *Administrative Patent Judge*.

DECISION ON APPEAL¹

¹ The two month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304 or for filing a request for rehearing as recited in 37 C.F.R. § 41.52, begins to run from the “MAIL DATE” (paper delivery mode) or the “NOTIFICATION DATE” (electronic delivery mode) shown on the PTOL-90A cover letter attached to this decision.

Appellant appeals under 35 U.S.C. § 134 from the final rejection of claims 25-48. Claims 1-24 and 49-51 have been canceled. We have jurisdiction under 35 U.S.C. § 6(b).

We reverse.

STATEMENT OF THE CASE

Appellant's invention relates to allowing a user to view and navigate reduced-content web pages on a less expensive wireless connection upon the user's selection of specific web pages (Spec. 5:14-29).

Exemplary Claim

Independent claim 25, which is illustrative of the invention, reads as follows:

25. A method for delivering data over a network system, comprising the steps of:
 - receiving, in a first data processing system, a request for a first data page from a second data processing system;
 - in response to the request from the second data processing system, sending a reduced-content page, corresponding to the first data page, from the first data processing system to the second data processing system, wherein said reduced-content page contains less than the full content of the first data page; and
 - selectively sending a selection mark to the second data processing system;
 - in further response to the request from the second data processing system and if a request corresponding to the selection mark is received, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system,
 - wherein the second data processing system communicates with the first data processing system over a first connection and the third

data processing system communicates with the first data processing system over a second connection.

The Examiner's Rejection

The Examiner relied on Jamtgaard (US 6,430,624 B1) for disclosing the claimed features except for the limitation of “wherein the second data processing system communicates with the first data processing system over a first connection and the third data processing system communicates with the first data processing system over a second connection,” for which Rennard (US 6,615,131 B1) was relied on (Ans. 4-5). The Examiner further relied on Warrier (US 6,707,809 B1) for teaching “selectively sending a selection mark” and “if a request corresponding to the selection mark is received, sending the first data page from the first data processing system to a third data processing system having a common user association with the second data processing system” (Ans. 5-7).

Appellant's Contentions

Appellant contends that the Examiner erred in rejecting claims 25, 33, and 41 under 35 U.S.C. § 103(a) as being unpatentable over the combination of Jamtgaard, Rennard, and Warrier because none of the references, specifically Warrier, teaches or suggests a selection mark and how such a mark relates to the other claim elements (Br. 9). Appellant further contends that the cited portions in Warrier relate to the activity of a home agent and home agent control node and to sending a paging request to a most recently contacted foreign agent if the mobile node is determined to be inactive (*id.*). Appellant contends patentability of other dependent claims based on the same reasons stated for claims 25, 33, and 41 (Br. 10).

Issue on Appeal

Did the Examiner err in rejecting claim 25 as being obvious because the combination of Jamtgaard, Rennard, and Warrier fails to teach or suggest the recited sending the first data page from the first data processing system to a third data processing system associated with the user if a request corresponding to the selection mark is received?

ANALYSIS

We agree with Appellant's contentions above. We specifically agree with Appellant's assertion (Br. 9) that Warrier, in column 4, lines 28-43, describes how a home agent control node functions as a home registration agent by identifying the agent with which the idle mobile node last initiated a connection. We find that the relied-on portion of Warrier relates to maintaining a mobility binding record for all mobile devices, which may be used by the home agent control node to identify the foreign agent (col. 4, ll. 7-37). The mobile node in Warrier receives data from the home agent after the node reestablishes a connection with the foreign agent upon receiving a paging request from the home agent via the foreign agent (col. 4, ll. 37-43).

Therefore, contrary to the Examiner's stated position (Ans. 6, 10) that Warrier discloses sending the first data page upon receiving a request containing a selection mark, sending the data from the home agent to the mobile node does not relate to the recited selection mark sent to the second data processing system. Additionally, sending the data from the home agent to the mobile node in Warrier is not conditioned on receiving a request corresponding to a selection mark.

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CONCLUSION

The Examiner erred in rejecting claim 25 as being obvious because the combination of Jamtgaard, Rennard, and Warrier fails to teach or suggest the recited sending the first data page from the first data processing system to a third data processing system associated with the user if a request corresponding to the selection mark is received. Other independent claims 33 and 41 include limitations similar to those recited in claim 25, which were discussed above and determined not to be taught or suggested by the prior art. Accordingly, we do not sustain the obviousness rejection of independent claims 25, 33, and 41, as well as claims 26-32, 34-40, and 42-48 dependent thereon.

ORDER

The Examiner's decision rejecting claims 25-48 is reversed.

REVERSED

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